IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

-

WRIT PETITION NO : 4165 of 2005

Between:

Ch.Narayana Swamy, S/o.Lakshmaiah
R/o.Seethanagaram (V) Chintalapudi (M),

West Godavari District.

..... PETITIONER

AND

1 Superintendent of Police, Khammam District at Khammam
2 Station House Officer, Dammapet Police Station, Dammapet,

Khammam District.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not giving police protection pursuant to order dated 20.12.2004 in I.A No.218 of 2004 in O.S No.1 of 2003 on the file of the court of Junior Civil Judge, Sathupalli is illegal, irregular and offends of Art.14, 21 and 300 A of the Constitution of India and also contrary to the order passed by the competent Civil Court and consequently direct the respondents to give necessary police protection for implementation of injunction order and pass such other order or orders.

Counsel for the Petitioner: MR.C.RAMACHANDRA RAJU

Counsel for the Respondents: G.P. FOR HOME

The Court at the stage of admission made the following

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.No.4165 OF 2005

ORAL ORDER:

Heard both sides.

2. The grievance of the petitioner is that in spite of the fact that interim injunction had been granted in his favour under Order-39, Rule-1 of the Code of Civil Procedure, the respondents have been interfering with his peaceful possession and enjoyment over the petition schedule land in I.A.No.2 of 2003 in O.S.No.1 of 2003. Subsequently, the petitioner had approached the trial Court seeking police protection and the same was granted, despite which the first and second respondents are not co-operating nor extending any help, as ordered by the trial Court. Feeling aggrieved by the said action of the first and second respondents, the petitioner has approached this Court by way of filing the present writ petition.

3. In such circumstances, it is to be seen that as and when the trial Courts, which are competent to pass interim injunction orders, passed the orders and when the same were not obeyed, the police

protection was accorded by the trial Court, on the applications made by the parties, if the police do not react to comply with the said interim orders of the trial Courts, this Court cannot remain mute. Accordingly, in my considered view, in exercise of its jurisdiction under Article 226 of the Constitution of India, it is expedient for this Court to direct the first and second respondents to comply with the order, dated 20-12-2004, passed by the trial Court in I.A.No.218 of 2004 in O.S.No.1 of 2003.

4. Accordingly, the writ petition is disposed of, at the stage of admission. However, there shall be no order as to costs.

D.S.R.VARMA, J

07TH MARCH, 2005

Note:

Issue CC by tomorrow

B/o.

ISN/KRK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Superintendent of Police, Khammam District at Khammam
2 The Station House Officer, Dammapet Police Station,

Dammapet, Khammam District.

3 Two CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT).

4. Two CD copies

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

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